

HOUSE BILL NO. 6057

November 07, 2024, Introduced by Rep. Filler and referred to the Committee on Regulatory Reform.

A bill to amend 2018 PA 338, entitled
"Earned sick time act,"
by amending sections 2 and 3 (MCL 408.962 and 408.963).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Department" means the department of ~~licensing~~**labor** and
3 ~~regulatory affairs~~**economic opportunity**.

4 (b) "Director" means the director of the department of
5 ~~licensing and regulatory affairs~~ or his or her **the director's**
6 designee.

(c) "Domestic partner" means an adult in a committed relationship with another adult, including both same-sex and different-sex relationships. ~~"Committed relationship"~~ **As used in this subdivision, "committed relationship"** means ~~one a relationship~~ in which the employee and another individual share responsibility for a significant measure of each other's common welfare, such as any relationship between individuals of the same or different sex that is granted legal recognition by a state, political subdivision, or the District of Columbia as a marriage or analogous relationship, including, but not limited to, a civil union.

(d) "Domestic violence" ~~has the same meaning~~ **means that term as provided-defined** in section 1 of 1978 PA 389, MCL 400.1501.

(e) "Earned sick time" means time off from work that is provided by an employer to an employee, whether paid or unpaid, that can be used for the purposes described in ~~subsection (1) of section 4 of this act.~~ **section 4(1).**

(f) "Employee" means an individual engaged in service to an employer in the business of the employer **and from whom an employer is required to withhold for federal income tax purposes**, except that employee does not include an individual employed by the United States government.

(g) "Employer" means any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, government entity, or other entity that employs 1 or more individuals, except that employer does not include the United States government.

(h) "Family member" includes all of the following:

(i) ~~(i)~~ A biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the

1 employee stands in loco parentis.

2 (ii) ~~(ii)~~ A biological parent, foster parent, stepparent, or
3 adoptive parent or a legal guardian of an employee or an employee's
4 spouse or domestic partner or ~~a person~~ **an individual** who stood in
5 loco parentis when the employee was a minor child.

6 (iii) ~~(iii)~~ ~~A person~~ **An individual** to whom the employee is
7 legally married under the laws of any state or a domestic partner.

8 (iv) ~~(iv)~~ A grandparent.

9 (v) ~~(v)~~ A grandchild.

10 (vi) ~~(vi)~~ A biological, foster, or adopted sibling.

11 (vii) ~~(vii)~~ ~~Any other~~ **An individual** related by blood ~~or~~
12 ~~affinity to the employee.~~

13 (viii) **An individual** whose close association with the employee
14 is the equivalent of a family relationship.

15 (i) "Health care professional" means any of the following:

16 (i) ~~(i)~~ Any person licensed under federal law or the law of
17 this state to provide health care services, including, but not
18 limited to, nurses, doctors, and emergency room personnel.

19 (ii) ~~(ii)~~ A certified midwife.

20 (j) "Retaliatory personnel action" means any of the following:

21 (i) ~~(i)~~ Denial of any right guaranteed under this act.

22 (ii) ~~(ii)~~ A threat, discharge, suspension, demotion, reduction
23 of hours, or other adverse action against an employee or former
24 employee for exercise of a right guaranteed under this act.

25 (iii) ~~(iii)~~ Sanctions against an employee who is a recipient of
26 public benefits for exercise of a right guaranteed under this act.

27 (iv) ~~(iv)~~ Interference with, or punishment for, an individual's
28 participation in any manner in an investigation, proceeding, or

1 hearing under this act.

2 (k) "Sexual assault" means any act that ~~constitutes a~~
 3 ~~violation of~~ **violates** section 520b, 520c, 520d, 520e, ~~520f,~~ or 520g
 4 of the Michigan penal code, 1931 PA 328, MCL 750.520b, 750.520c,
 5 750.520d, 750.520e, ~~750.520f,~~ and 750.520g.

6 (l) ~~(1)~~ "Small business" means an employer for which fewer than
 7 10 individuals work for compensation during a given week. In
 8 determining the number of individuals performing work for
 9 compensation during a given week, all individuals performing work
 10 for compensation on a full-time, part-time, or temporary basis
 11 ~~shall~~ **must** be counted, including individuals made available to work
 12 through the services of a temporary services or staffing agency or
 13 similar entity. An employer is not a small business if it
 14 maintained 10 or more employees on its payroll during any 20 or
 15 more calendar workweeks in either the current or ~~the~~ **immediately**
 16 preceding calendar year.

17 Sec. 3. (1) ~~Each~~ **An** employer shall provide earned sick time to
 18 each of the employer's employees in this state.

19 (2) ~~(a) Employees~~ **An employee** of a small business ~~shall~~ **must**
 20 accrue a minimum of ~~one~~ **1** hour of earned sick time for every 30
 21 hours worked but ~~shall~~ **may** not be entitled to use more than 40
 22 hours of paid earned sick time in a year unless the employer
 23 selects a higher limit. If an employee of a small business accrues
 24 more than 40 hours of earned sick time in a calendar year, the
 25 employee ~~shall be entitled to~~ **may** use an additional 32 hours of
 26 unpaid earned sick time in that year, unless the employer selects a
 27 higher limit. Employees of a small business ~~must be entitled to~~ **may**
 28 use paid earned sick time before using unpaid earned sick time.

29 (3) ~~(b)~~ All other employees ~~shall~~ **must** accrue a minimum of ~~one~~

1 1 hour of paid earned sick time for every 30 hours worked but ~~shall~~
 2 ~~may not be entitled to use~~ more than 72 hours of paid earned sick
 3 time ~~per~~ **in a** year, unless the employer selects a higher limit.

4 (4) ~~(c) Earned~~ **Except as otherwise provided in this**
 5 **subsection, earned** sick time ~~shall carry~~ **carries** over from year to
 6 year, but a small business is not required to ~~permit~~ **allow** an
 7 employee to use more than 40 hours of paid earned sick time and 32
 8 hours of unpaid earned sick time in a single year, and **all** other
 9 employers are not required to ~~permit~~ **allow** an employee to use more
 10 than 72 hours of paid earned sick time in a single year. **If an**
 11 **employer provides not less than 72 hours of earned sick time to an**
 12 **employee at the beginning of a year, the employer is not required**
 13 **to allow the employee to carry over any of that earned sick time to**
 14 **another year.**

15 (5) ~~(2)~~ Earned sick time as provided in this section ~~shall~~
 16 ~~begin~~ **begins** to accrue on the effective date of this ~~law,~~ **act,** or
 17 upon commencement of the employee's employment, whichever is later.
 18 An employee may use accrued earned sick time as it is accrued,
 19 except that an employer may require an employee hired after April
 20 1, 2019, **the effective date of the 2024 amendatory act that amended**
 21 **this section** to wait until the ninetieth calendar day after
 22 commencing employment before using accrued earned sick time.

23 ~~(3) For purposes of subsection (1), "year" shall mean a~~
 24 ~~regular and consecutive twelve-month period, as determined by an~~
 25 ~~employer.~~

26 ~~(4) For purposes of earned sick time accrual under this act,~~
 27 ~~an employee who is exempt from overtime requirements under section~~
 28 ~~13(a)(1) of the Fair Labor Standards Act, 29 USC 213(a)(1), is~~
 29 ~~assumed to work 40 hours in each workweek unless the employee's~~

~~normal work week is less than 40 hours, in which case earned sick time accrues based upon that normal workweek.~~

(6) ~~(5)~~—An employer other than a small business is in compliance with this section if the employer provides any paid ~~leave~~ **time off** in at least the same ~~amounts~~ **amount** as that provided under this act that may be used for the same purposes and under the same conditions provided ~~in~~ **under** this act and that is accrued at a rate equal to or greater than the rate described in ~~subsections (1) and (2).~~ **subsection (3)**. An employer that is a small business is in compliance with this section if the employer provides paid ~~leave~~ **time off** in at least the same ~~amounts~~ **amount** as that provided under this act that may be used for the same purposes and under the same conditions provided ~~in~~ **under** this act and that is accrued at a rate equal to or greater than the rate described in ~~subsections (1) and subsection (2).~~ ~~provided further that that employees of the small business are entitled to use paid earned sick time before using unpaid earned sick time. For purposes of this subsection, "paid leave" includes but is not limited to paid vacation days, personal days, and paid time off.~~

(7) ~~(6)~~—An employer shall pay each employee using paid earned sick time at a pay rate equal to the greater of either the normal hourly wage for that employee or the minimum wage established under the **improved** workforce opportunity wage act, ~~2014 PA 138, MCL 408.411 to 408.424, 2018 PA 337, MCL 408.931 to 408.945,~~ but not less than the minimum wage rate established in section 4 of the **improved** workforce opportunity wage act, ~~2014 PA 138, MCL 408.414. 2018 PA 337, MCL 408.934.~~ For any employee whose hourly wage varies depending on the work performed, the "normal hourly wage" means the average hourly wage of the employee in the pay period immediately

1 prior to the pay period in which the employee used paid earned sick
2 time.

3 **(8) ~~(7)~~**—An employer shall not require an employee to search
4 for or secure a replacement worker as a condition for using earned
5 sick time.

6 **(9)** For purposes of subsections (2), (3), and (4), "year"
7 means a regular and consecutive 12-month period, as determined by
8 an employer.

9 **(10)** For purposes of earned sick time accrual under this act,
10 an employee who is exempt from overtime requirements under section
11 13(a)(1) of the fair labor standards act, 29 USC 213(a)(1), is
12 assumed to work 40 hours in each workweek unless the employee's
13 normal workweek is less than 40 hours, in which case earned sick
14 time accrues based on that normal workweek.